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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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9 MICHAEL HOLTSINGER,

No. CIV S-03-0732-MCE-CMK-P

10 Plaintiff,

11 vs.

ORDER

12 J.M. BRIDDLE, et al.,

13 Defendants.
14 _____/

15 Plaintiff, a state prisoner proceeding in forma pauperis, brings this civil rights
16 action pursuant to 42 U.S.C. § 1983. On April 4, 2007, the court determined that due to the
17 potential complexity of an evidentiary hearing regarding damages in relation to a default
18 judgment against defendant T. Knight, now know as Tonya Voros, the appointment of counsel
19 was appropriate.¹ The court therefore referred this case to the King Hall Civil Rights Clinic at
20 the University of California, Davis. The Civil Rights Clinic accepted appointment in this matter
21 in regards to the damages hearing. Accordingly, on April 25, 2008, the court issued an order
22 appointing the Civil Rights Clinic as attorney for plaintiff. On May 8, 2007, the court issued an
23 order clarifying that the Civil Rights Clinic was appointed to represent plaintiff for the limited
24 purpose of assisting plaintiff at the evidentiary hearing regarding default judgment damages
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26 ¹ The Clerk of the Court will be directed to update the docket to reflect defendant Voros as the correct name. The court will hereafter refer to defendant Knight/Voros as Voros.

1 against defendant Voros, and that plaintiff was to proceed without counsel in all other aspects of
2 this case.

3 On January 22, 2008, defendant Voros filed a motion to set aside the clerk's entry
4 of default. On June 27, 2008, the undersigned issued findings and recommendations
5 recommending the motion be granted and defendant Voros' default be set aside. On August 5,
6 2008, the District Judge issued an order adopting the findings and recommendations and setting
7 aside defendant Voros' default. Defendant Voros has now filed an answer to the complaint.

8 As defendant Voros' default has been set aside, the question of a default
9 judgment, and the necessity of an evidentiary hearing regarding damages, is now moot. It
10 appears to the court that further representation of plaintiff by the Civil Rights Clinic would be
11 beyond the scope of representation the court authorized and the Civil Rights Clinic accepted.
12 Therefore, plaintiff's counsel will be requested to notify this court if it is willing to continue its
13 representation of plaintiff in this matter for all further proceedings. If counsel does not respond
14 to this request within the time given, the court will assume counsel agrees that the appointment
15 was limited and plaintiff will proceed in this matter in pro per.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. The Clerk of the Court is directed to update the docket to indicate
18 defendant Knight is now known as Voros; and

19 2. Plaintiff's counsel is requested to notify the court within 20 days if it is
20 willing to continue its representation of plaintiff in this matter for all further proceedings.

21
22 DATED: September 3, 2008

23 
24 **CRAIG M. KELLISON**
25 UNITED STATES MAGISTRATE JUDGE
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